

Election Procedures Review
Of
Kitsap County
State of Washington
2008 Presidential Primary Election



Conducted by the
Office of the Secretary of State
Election Certification and Training Program



Introduction

The Washington State Legislature enacted legislation in 1992 mandating that the Office of the Secretary of State review county election procedures and practices. The Election Certification and Training Program was established within the Elections Division of the Office of the Secretary of State to conduct reviews and to provide for the certification of election administrators. In 2005, the Legislature expanded the Election Certification and Training Program to require that each County Auditor's Office be reviewed at least once every three years. The Legislature also added a requirement that the Program conduct a follow-up visit to verify that the County Auditor's Office has taken steps to correct the problems noted in the report.

The election review process is governed by RCW 29A.04.510 through 29A.04.590 and Chapter 434-260 of the Washington Administrative Code.

Pursuant to RCW 29A.04.570(1)(b), the Election Certification and Training Program conducted an election review in Kitsap County during the 2008 Presidential Primary Election cycle. Libby Nieland and Miriam Campbell, Elections Specialists, represented the Election Certification and Training Program during the review. Karen Flynn, Kitsap County Auditor, Dolores Gilmore, Elections Supervisor, and other members of the staff participated on behalf of the Kitsap County Auditor's Office.

Both the reviewer and the Kitsap County Elections Department approached the review in a spirit of cooperation. The department allowed the reviewer to thoroughly review and examine all aspects of the election processes. The staff provided documentation and materials during the review which greatly contributed to a successful examination process.

The purpose of this review report is to provide the Kitsap County Elections Department with a useful evaluation of its election procedures and policies and to encourage procedural consistency in the administration of elections throughout the state. This review report includes a series of recommendations and/or suggestions that are intended to assist the Kitsap County Elections Department in improving and enhancing its election processes.

The reviewer is statutorily prohibited from making any evaluation, finding, or recommendation regarding the validity of any primary or election, or of any canvass of the election returns. Consequently, this review report should not be interpreted as affecting the validity of the outcome of any election or of any canvass of election returns.

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Overview

Kitsap County is comprised of the Kitsap Peninsula and three islands. The 396 square mile county is surrounded by over 300 miles of saltwater shoreline. Proximity to Puget Sound has made Kitsap County the third most densely populated county in Washington State.

Kitsap County has three military bases, 36 cities and towns, and the greatest number of port districts in any county in the state. The physical constraints of the county and the diverse needs of the population with respect to military, retirees, and residents working outside the county makes conducting elections in Kitsap County especially challenging.

Review of Kitsap County's elections department was conducted during the Washington State Presidential Primary which is held once every four years. Office procedures used in the 2008 Presidential Primary differ in many ways from those used in any other primary or election. The Kitsap County Auditor was able to provide up-to-date procedures in spite of the brief time interval between final rulemaking and voting in the Presidential Primary.

Managerial organization in Kitsap County is at a very high level. The staff is well trained and completes the demands of the job in a highly competent manner. The areas of ballot processing and tabulation were especially well organized.

Kitsap County has a very active outreach program for the elderly and disabled. Remote site accessible voting is available at advertised locations as early as 15 days prior to any election or primary. On Election Day, accessible voting units are available to voters at two locations. Notice of accessible voting dates and locations are published in the newspaper, on the Kitsap County Auditor's website, and in a brochure provided to assisted living and care facilities.

The Kitsap County Auditor maintains a secure voting and ballot processing room. All entrances to the ballot processing room are secured with electronic pass key and video tape. The County Auditor has also provided for secured rooms to be occupied by no fewer than two people as an additional precaution. The ballot process is fully accountable through the use of ballot batching, tracking documentation, and by clearly designating the processing path.

Work space for ballot processing may become an issue in the near future. All available work surfaces in the ballot processing area were utilized daily during the 2008 Presidential Primary.

Recommendations

The following recommendations indicate where the county is out of compliance with the Revised Code of Washington (RCW), the Washington Administrative Code (WAC), the Washington State Constitution, or Federal election law. The reviewer obtained information based on actual observation of a procedure, verbal explanation or written procedures. The reviewer provides a description of the county's procedure, a citation of the applicable law, and a recommendation based on the citation.

Retention of Video Records

The security procedures implemented by the Kitsap County Auditor are well supported by a number of processes. Electronic locks accessed only by designated employees with badges, entry to the secured areas only in teams of two, a full-time permanent employee accompanying seasonal employees in the secure areas, labeled and sealed security cabinets, and use of sealed metal transporting cages provide an excellent security package.

The County Auditor uses security cameras to record entry to the ballot processing area 24 hours a day during an election or primary. This record is archived by the Auditor for 90 days.

WAC 434-262-200 requires that "All records and materials are to be maintained for a period of sixty days after certification of each election. Where the election involves federal offices the records and material must be kept for twenty-two months from the date of the election."

Recommendation: Records created by the security cameras must be retained for the same period of time required for all election material. The retention period for federal elections is 22 months from the date of the election.

Special Absentee Form

As authorized by RCW 29A.40.050, the Kitsap County elections staff supplies voters with application forms to request Special Absentee Ballots. The current application form is available, but lacks an address line for overseas and service voters to provide their last residence in Washington State.

WAC 434-250-030(3) states "the form must include:(a) space for an overseas or service voter not registered to vote in Washington to indicate his or her last residential address in Washington."

Recommendation: The Kitsap County Auditor must amend the special absentee form by including space for an overseas or service voter to provide his or her last known address in Washington State.

Notice of Presidential Primary

The required notice of the Presidential Primary was published in a timely manner. All required information was included except that the voter was not told the voted ballot would require postage if returned through the mail.

WAC 434-250-310 states, “In addition to the information required in the notice of election published pursuant to RCW 29A.52.351 and 29A.52.311, a county auditor conducting an election by mail, including a county auditor that conducts every election by mail, must also state: (d) Return postage is required.”

Recommendation: The published legal notice of elections and primaries conducted by mail must include the statement that return postage is required.

Suggestions

The following are suggestions for increasing efficiency and improving operations within the Kitsap County Auditor's Office. Although these suggestions do not address issues involving compliance with state laws or administrative rules, the reviewer identified the tasks as areas of election administration in which the County Auditor might improve the efficiency and operation of the office.

Written Procedures

The Kitsap County Auditor's procedures for common election tasks are found in two documents, the "Elections Division Procedures Manual" and the "Election Guidelines for Candidates." These procedures are updated by staff on an annual basis.

Suggestion: The Kitsap County Elections written procedures could be enhanced in two ways.

1) "Election Guidelines for Candidates" contains some procedures, but the document is targeted to candidates or those interested in becoming a candidate. Many of the processes addressing candidate filing in this document do not focus on the role of staff, but rather address the needs and actions of candidates. It may be helpful to staff to transfer and expand the processes briefly addressed in this document into the "Elections Division Procedures Manual."

2) The current "Elections Division Procedures Manual" addresses processes which are executed by staff on a regular basis, such as creating an election or reallocating precincts. The manual could be expanded by planning for uncommon situations which may occur during the course of an election. Examples of situations that could be addressed: withdrawal of a declaration of candidacy, and final disposition of documents. Anticipating infrequently encountered tasks will make the procedures manual even more valuable to the elections staff.

24 Hour Ballot Deposit

Voters in Kitsap County have the opportunity to deposit ballots early at 19 assisted voting sites in accordance with the published 15 day schedule. On Election Day, five ballot deposit sites located throughout the county are open from 7:00 a.m. until 8:00 p.m. Two deposit boxes are located at the Auditor's Office, one inside the building and one accessible from the exterior of the building. Both boxes are available only during business hours.

Suggestion: At least one ballot deposit location should be available 24 hours a day during the election. The large number of citizens working for the military, in the service industry, and commuting to jobs out of the county would appear to justify the addition of a day and night deposit site.

County's Response to Draft Review Report

The Election Certification and Training Program issued a Draft Review Report to the Kitsap County Canvassing Board on July 17, 2008. In accordance with WAC 434-260-145, we provided Kitsap County 10 days to respond, in writing, to recommendations listed in the draft report.

The Kitsap County Canvassing Board provided the following response to the Draft Review Report. The signed original of their response is on file in the Office of the Secretary of State.



Office of the
KITSAP COUNTY AUDITOR

Kitsap County Election Review

Walter E. Washington, Auditor

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July 15, 2008

Libby Nieland
Office of the Secretary of State
Elections Division
P. O. Box 40229
Olympia, WA 98504-0229

RECEIVED

JUL 23 2008

SECRETARY OF STATE
ELECTIONS DIVISION

Dear Mrs. Nieland:

The Kitsap County Canvassing Board received the draft report of the "Election Procedures Review of Kitsap County" conducted in conjunction with the 2008 Presidential Primary. We appreciate the comprehensive experience and knowledge of election law and processes you brought that made the review of our procedures a constructive and positive endeavor.

In response to your recommendations, on behalf of the Kitsap County Canvassing Board, we offer the following:

Retention of Video Records

The Kitsap County Information Services Department has agreed that beginning June 2, 2008 the video records of the elections area will be retained 22 months for federal elections.

Special Absentee Form

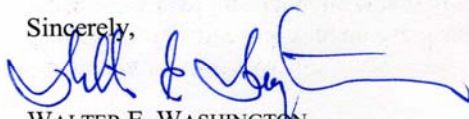
Kitsap County has always allowed military and overseas voters to use his or her last known residential address in Washington for voting purposes. We state this in our procedures manual and also in our email correspondence to the voter. An additional notation was added to the residence area of the Special Absentee Form on March 10, 2008.

Notice of Presidential Primary

The notation "*Return postage is required for ballots returned by mail*" was added to the legal notice election form on March 14, 2008.

We took special note of your suggestion for a 24 hour ballot deposit site. We made one available to voters that was effective for the May 20, 2008 election and this will be continued for all future elections. We will take into consideration your suggestion to expand our written procedures to include exceptions and uncommon situations in lieu of relying solely on the Revised Code of Washington and the Washington Administrative Code.

Sincerely,



WALTER E. WASHINGTON
Kitsap County Auditor

Elections
(360) 337-7128
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Vehicle Licensing
(360) 337-4440
FAX: 337-4645

Records/Marriage
(360) 337-4935
FAX: 337-4645

Accounts Payable
(360) 337-7122
FAX: 337-7016

Payroll
(360) 337-7123
FAX: 337-4645

Administration
(360) 337-7129
FAX: 337-4645

Toll Free from: Olalla 851-4147 • Bainbridge Island 842-2061

Conclusion

Kitsap County elections staff members, both permanent and seasonal, are skillful and knowledgeable of elections. The personnel's competency supports the observation that the County Auditor understands good managerial practices. The written procedures, on site training, efficient organization of workspace, and attention to detail all support a well run department.

Security for ballots and the elections process is well developed and is backed up by redundancies. It is essential, however, that documents generated by the department be retained according to statute.

The Kitsap County Disability Advisory Committee and the County Auditor continue to develop a program actively providing voting accessibility to the elderly and disabled. This is a very dynamic program and the County Auditor should be commended on its success.

The Kitsap County Auditor strives to meet the challenges of serving a large and mobile population. During a county-wide election, the number of seasonal staff needed to provide the necessary election services utilizes all available work space. In an active election, such as the 2008 Presidential Election, the ballot processing room will be insufficient in size.

The Kitsap County elections department is a well run organization. Addressing the items in this report will help to refine an already successful department.

Review Report Prepared by:

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Date: July 28, 2008